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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/607,020

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EXAMINER

NGUYEN, LE V

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/607,020	Applicant(s) HILL ET AL.	
	Examiner LE NGUYEN	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 32-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 32-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/8/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the 6/8/09 RCE.
2. Claims 1-21 and 32-51 are pending in this application; and, claims 1, 32 and 42 are independent claims.

Claim Objections

3. Claims 12 and 16 are objected to because of the following informalities: it recites the limitation "a date from the date selection control" in line 2 of claim 12 and "the active calendars" in lines 3-4 of claim 16. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Double Patenting

4. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in

scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

5. Claim 1 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 42 of copending Application No. 12/028797. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 32 and 42 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 42 of copending Application No. 12/028797. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim(s) 42 of Application No. 12/028797 contain(s) every element of claim(s) 32 and 42 of the instant application and thus anticipate the claim(s) of the instant application. Claim(s) of the instant application therefore is/are not patently distinct from the earlier patent claim(s) and as such is/are unpatentable over obvious-type double patenting. A later patent/application claim is not patentably distinct from an earlier claim if the later claim is anticipated by the earlier claim.

“A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus)”

Claim 42 of copending Application No. 10/864660 anticipates the steps of claims 32 and 42 of the instant application given that it is obvious to put these steps on a

computer readable medium such as a disk and, moreover, implement them on a computer.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 3, 5-7, 10-13, 16-21, 32-36, 38-42, 44-46, 48, 49 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Jalon et al. ("Jalon", US 2005/0039142).

As per claim 1, Jalon teaches a method for displaying shared electronic calendars, comprising: launching a calendar software application (figs. 1-7 and 32); selecting a plurality of calendars for displaying in a common display view frame (figs. 1-7 and 32; par [0033]-[0037]); obtaining a view data object for a first selected calendar (par [0033]-[0034]); calculating an amount of space of the view frame required for displaying each selected calendar simultaneously (e.g., figs. 1 and 2 versus fig. 3 or figs. 1 and 2 versus fig. 32); passing the view data object for the first selected calendar to each additional selected calendar, the view data object indicating a view mode corresponding to the first selected calendar (figs. 1-7 and 32; par [0034]-[0037]); passing to each selected calendar a position of display in the view frame (figs. 1-3 and

32; par [0034]-[0037]); passing to each selected calendar a size of display in the view frame and displaying each selected calendar in the view frame simultaneously in side-by-side orientation (figs. 1-7 and 32; wherein views include hourly, weekly, monthly, yearly, home and/or work).

As per claim 3, Jalon teaches a method for displaying shared electronic calendars comprising, prior to calculating an amount of space of the view frame required for displaying each selected calendar simultaneously, determining a size of the view frame available for displaying all selected calendars simultaneously (e.g., figs. 1 and 2 versus fig. 3 or figs. 1 and 2 versus fig. 32).

As per claim 5, Jalon teaches a method for displaying shared electronic calendars whereby passing the view data object for the first selected calendar includes passing display settings of the first selected calendar to each additional selected calendar (figs. 1-7 and 32; e.g., "8:00...6:00", "10:00AM Meeting", etc.).

As per claim 6, Jalon teaches a method for displaying shared electronic calendars whereby passing the view data object for the first selected calendar includes determining whether the view mode of the first selected calendar requires a display of a time bar (figs. 1-7 and 32).

As per claim 7, Jalon teaches a method for displaying shared electronic calendars whereby if the display of a time bar is required, displaying a time bar for one of the plurality of displayed calendars, whereby selection of a particular time position in the time bar displays the selected time position for each displayed calendar simultaneously (figs. 1-7 and 32; par [0037]).

As per claim 10, Jalon teaches a method for displaying shared electronic calendars whereby displaying each selected calendar in the view frame simultaneously in side-by-side orientation includes displaying data associated with each displayed calendar in a particular displayed calendar to which the data is associated (figs. 1-3 and 32).

As per claim 11, Jalon teaches a method for displaying shared electronic calendars whereby displaying each selected calendar in the view frame simultaneously in side-by-side orientation includes displaying each selected calendar such that each date or time position of each displayed calendar is aligned with corresponding date or time positions of each other displayed calendar (figs. 1-7 and 32; par [0037]).

As per claim 12, Jalon teaches a method for displaying shared electronic calendars comprising displaying a date selection control whereby selection of a date from a date selection control displays a calendar position of each displayed calendar corresponding to the selected date simultaneously (figs. 1-7 and 32; par [0039]).

As per claim 13, Jalon teaches a method for displaying shared electronic calendars comprising displaying a calendar selection control for selecting one or more calendars for display in the view frame in side-by-side orientation with other calendars presently displayed in the view frame whereby in response to selection of an additional calendar for display from the calendar selection control, recalculating an amount of space of the view frame required for displaying each presently displayed calendar plus the selected additional calendar simultaneously in side-by-side orientation (figs. 1-7 and 32), passing the view data object of the first selected calendar to the selected additional

calendar (figs. 1-7 and 32; par [0034]-[0037]), passing a display position and display size to all presently displayed calendars and to the selected additional calendar and redisplaying all presently displayed calendars plus the selected additional calendar simultaneously in side-by-side orientation (figs. 1-7 and 32; wherein views include hourly, weekly, monthly, yearly, home and/or work).

As per claim 16, Jalon teaches a method for displaying shared electronic calendars comprising selecting one of the plurality of displayed calendars as an active calendar and applying any view mode and display settings changes made to the active calendars to all displayed calendars (figs. 1-7 and 32; changes in a mode affects changes in settings such as size and formatting).

As per claim 17, Jalon teaches a method for displaying shared electronic calendars whereby applying any view mode and display settings changes made to the active calendar to all displayed calendars includes communicating any changes in the view mode and display settings for the active calendar to each of the displayed calendars (figs. 1-7 and 32;).

As per claims 18, 19, 40, 41 and 51, Jalon teaches a method and system for displaying shared electronic calendars comprising: deleting a displayed calendar from the view frame whereby, in response to deleting a displayed calendar from the view frame, recalculating an amount of space of the view frame required for displaying each displayed calendar minus the deleted displayed calendar (figs. 1-7 and 32; deletion occurs when switching between hourly, weekly, monthly, yearly, home and/or work views).

As per claim 20, Jalon teaches a method for displaying shared electronic calendars comprising displaying an all day banner appointment position across all displayed calendars (fig. 6; par [0044]).

As per claim 21, Jalon teaches a method for displaying shared electronic calendars comprising displaying a task pad for entering tasks applicable to the first selected calendar (figs. 4 and 6-9).

Claims 32 and 42 are individually similar in scope to claim 1 and are therefore rejected under similar rationale.

Claim 33 is similar in scope to claim 3 and is therefore rejected under similar rationale.

Claims 34 and 44 are individually similar in scope to claim 5 and are therefore rejected under similar rationale.

Claims 35 and 45 are individually similar in scope to claim 6 and are therefore rejected under similar rationale.

Claims 36 and 46 are individually similar in scope to claim 7 and is therefore rejected under similar rationale.

Claims 38 and 48 are individually similar in scope to claim 12 and is therefore rejected under similar rationale.

Claim 39 and 49 are similar in scope to claim 13 and are therefore rejected under similar rationale.

Claim 50 is similar in scope to claim 17 and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 4 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalon et al. ("Jalon", US 2005/0039142).

As per claims 2, 4 and 43, although Jalon teaches a method and system for displaying shared electronic calendars comprising, in response to selecting a plurality of calendars, executing code for displaying the selected plurality of calendars and, prior to passing the view data object for the first selected calendar to each additional selected calendar, executing code responsible for displaying all selected calendars simultaneously in an aggregate view (figs. 1-7 and 32), Jalon does not explicitly disclose calling a module for displaying; however, the practice of calling a module for displaying is well known in the art for many years. It would have been obvious to an artisan at the time of the invention to include such well known practices with the method of Jalon in order to minimize complexity in interdependency of software given that using modules makes it easier to upgrade and fix, especially in view of KSR, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007).

7. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalon et al. ("Jalon") in view of Screen Dumps of Microsoft Outlook ("MS Outlook").

As per claim 8, although Jalon teaches a method for displaying shared electronic calendars comprising prior to passing view data object for the first selected calendar to each additional selected calendar, determining that the view mode of the first selected calendar does not require a display of a scroll bar (figs. 1-7 and 32), Jalon does not explicitly disclose that the determination is made whether the view mode of the first selected calendar requires a display of a scroll bar. MS Outlook teaches that a determination is made whether the view mode of a first selected calendar requires a display of a scroll bar (figs. 2-3). It would have been obvious to an artisan at the time of the invention to incorporate the method of MS Outlook with the method of Jalon in order to present additional time periods not currently displayed, especially if more time periods are available than will fit in the provided space.

As per claim 15, although Jalon teaches a method for displaying shared electronic calendars comprising displaying a tool bar area for providing editing and display functionality (figs. 1-7 and 32), Jalon does not explicitly disclose file management and printing functionality to the displayed calendars or file management and printing functionality in a tool bar area. MS Outlook teaches file management and printing functionality to the displayed calendars or file management and printing functionality in a tool bar area (figs. 2-3; *file management via File menu displayed in the toolbar of fig. 2, and printing via print icon displayed in the toolbar of fig. 3*). It would have been obvious to an artisan at the time of the invention to incorporate the method of MS Outlook with the method of Jalon so that in addition to sharing electronic calendars, users may additionally organize and share information with others easily and effectively.

12. Claims 9, 37 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalon et al. ("Jalon", US 2005/0039142) in view of Screen Dumps of Microsoft Outlook ("MS Outlook") as applied to claim 8, and further in view of Onda et al. ("Onda").

As per claim 9, although the modified Jalon teaches a method for displaying shared electronic calendars whereby if the display of a scroll bar is required, providing a scroll bar for one of the plurality of displayed calendars (MS Outlook: figs. 2-3), the modified Jalon does not explicitly disclose scrolling the scroll bar scrolls all displayed calendars simultaneously. Onda teaches scrolling the scroll bar scrolls all displayed calendars simultaneously (figs. 11-12; col. 15, lines 12-19). It would have been obvious to an artisan at the time of the invention to incorporate the method of Onda with the method of the modified Jalon in order to display plural sets of data at the same time.

Claims 37 and 47 individually are similar in scope to claim 9 and are therefore rejected under similar rationale.

13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jalon et al. ("Jalon", US 2005/0039142) in view of Lu.

As per claim 14, although Jalon teaches a method for displaying shared electronic calendars comprising providing a distinctive graphical element for each displayed calendar to distinguish each displayed calendar from each other displayed calendar (figs. 1-7 and 32), Jalon does not explicitly disclose the distinctive graphical element being background display color. Lu teaches a distinctive graphical element being a background display color (col. 6, lines 48-50). It would have been obvious to an

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artisan at the time of the invention to incorporate the method of Lu with the method of Jalon in order to make distinctions for each of the electronic calendars.

Conclusion

14. The indicated allowability of claims 1-21 and 32-51 are withdrawn in view of the newly discovered reference(s) to Jalon et al. Rejections based on the newly cited reference(s) follow.

Inquires

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow, can be reached at (571) 272-7767.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LVN
Patent Examiner
June 18, 2009

/DENNIS-DOON CHOW/

Supervisory Patent Examiner, Art Unit 2174